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The Honorable Anne K. Quinlan, Esq
Acting Secretary
Surface Transportation Board
Office of the Secretary
395 E Street, S W.
Washington, DC 20423-0001

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Office of Proceedings

FEB 26 2008

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**Re: Canadian National Railway Company and Grand Trunk
Corporation – Control – EJ&E West Company (STB Finance
Docket No. 35087)**

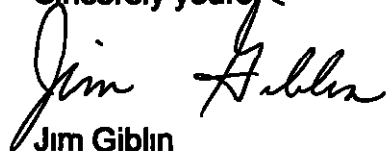
Dear Ms Quinlan

Attached please find one copy of an e-mail message that was transmitted electronically by this writer on February 16, 2008, to the Washington offices of Illinois Senator Dick Durbin. It was written in response to a press release issued by Senator Durbin's office on February 15, 2008, which was also received via e-mail.

I am a long-time resident of Du Page County Illinois and currently live in Downers Grove. My current profession is transportation and logistics consultant. My past work experience includes employment with two Class One railroads, a pair of interstate motor carriers and several third party logistics companies.

In January 2008 I was appointed to the Citizens Advisory Committee of the Chicago Metropolitan Agency for Planning and also serve as the Legislative Chairman of the Midwest Association of Rail Shippers. I have published numerous professional articles and Op-Ed pieces over the past decade, including most recently a full-length article in the March 2007 issue of TRAINS Magazine that has received widespread critical acclaim.

Sincerely yours,


Jim Giblin

cc Victoria J. Rutson, SEA
All parties of record

From jgiblin@att.net
To Christina_mulka@durbin.senate.gov
Cc jgiblin@att.net
Subject: CN-EJ&E Purchase – 2-15-08 Press Release
Date: Sat, 16 Feb 2008 19:08:52 +0000

Dear Ms. Mulka:

I am writing in regards to the press release issued by Sen. Durbin's office on 2-15-08 concerning the purchase of the EJ&E Railway by Canadian National. I'm a freight transportation professional, a long-time concerned resident of Northeastern Illinois and a registered Democrat who has also served as an Election Judge in Du Page County. I was recently appointed to the Citizens Advisory Committee of the Chicago Metropolitan Agency for Planning and also serve as Legislative Chairman of the Midwest Association of Rail Shippers.

I have a number of concerns about Senator Durbin's position as described in the press release. First, I would like to remind the Senator (and his staff) that under the terms of the Rail Passenger Service Act of 1970 the Surface Transportation Board has no direct authority over the operation of intercity passenger trains in the United States. I would also like to remind Sen. Durbin that the 1970 Act specifically transferred responsibility for intercity passenger train operations from private freight railroads, like the CN and its predecessors, to the Federal Government. As far as I can determine, both the CN and all of its predecessor rail companies, have fully complied with all of the requirements of the Rail Passenger Service Act of 1970, and subsequent amendments.

Thus, it appears from my vantage point that what Senator Durbin, and other public officials and agencies, are advocating here is the seizure or taking of private property for public use without adequate compensation. Under existing Federal statutes the CN has every legal right as an interstate rail carrier to dispose of a portion of track known as the St. Charles Airline if it is no longer required for CN's continuing rail operations. Under Federal statutes the CN does have an obligation to make the track available for purchase by responsible parties before outright abandonment, but in the absence of any responsible purchase agreement the CN is under no legal obligation to continue maintaining the track. Is Sen. Durbin advocating changing this law, or simply ignoring its requirements in the name of political expediency? If he is indeed advocating the confiscation of private property for public use then he needs to be honest with his constituents and say so.

Second, while we appreciate the Senator's concerns about grade crossing safety in Northeastern Illinois, we have recently completed a short analysis of grade crossing delays for the 6 county region and can document that the increased grade crossing delays along the EJ&E will still be considerably less than those being experienced everyday by numerous communities in the region, including my hometown of Downers Grove. Our study was completed using publicly available data from a 2002 study prepared by the Illinois Commerce Commission. We've been waiting almost 10 years for full funding of

the Belmont Road grade crossing separation project here in Downers Grove, and are not aware of any efforts by Senator Durbin to assist in securing these funds. Is Senator Durbin suggesting that the public safety concerns of citizens in communities such as Barrington and Hoffman Estates are somehow greater than those in communities such as Downers Grove and Des Plaines? (We will be presenting the results of our grade crossing analysis at a public meeting on 2-27-08, at the Chicago offices of the Illinois Dept. of Transportation.)

Third, why was no mention made in the press release of Federal funds authorized under the 2005 Highway Bill (known as SAFETEA-LU) for rail line relocation and grade crossing safety projects that could easily be used to reduce or eliminate the impact of many of the problems the Senator outlines in his press release. The specific items applicable here are as follows:

SAFETEA-LU Section 9002: Capital Grants for Rail Line Relocation Projects.

SAFETEA-LU Section 9001: High Speed Rail Corridor Development.

SAFETEA-LU Section 1601 Transportation Infrastructure Finance and Innovation Act Amendments

Now I'm also smart enough to understand the difficulties in getting funds appropriated vs authorized, but the I'm also a person interested in real solutions not press release hype and hysteria. And I vote!

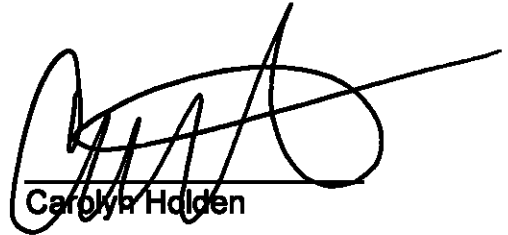
Fourth, if there are serious safety and environmental issues here then Senator Durbin and the entire Illinois Congressional delegation directly share a great deal of the blame. I'm sure the Senator realizes that his failure to get anything approaching full funding of the CREATE Program in SAFETEA-LU has contributed to this mess, since CREATE includes a number of specific projects that would have solved many of the problems outline in the 2-15-08 press release. I also take note of the fact that any mea culpa by Senator Durbin for these past failures is conspicuously absent in his press release.

One final note. On Wednesday, 2-17-08, the Chicago Chapter of the Transportation Research Forum, along with Northwestern University's Transportation Center and UIC's Urban Transportation Center, will be cosponsoring a public forum for the free exchange of information on the CN acquisition of the EJ&E. I've been invited to present as a panel member. As part of the presentation I will be including any response (or lack thereof) that I received from Senator Durbin's office, since unlike so many of our elected officials I'm more interested in results than in hype and hysteria.

Jim Giblin
Downers Grove, IL

Certificate of Service

I hereby certify that on February 26, 2008 I caused the forgoing document to be served by first class mail, postage prepaid, on all parties of record in this proceeding



Carolyn Holden